



Mark Foti <mark@fotilaw.com>

US v. Gogolack et al., Discovery Production Letter

Cooper, Nicholas (USANYW) <Nicholas.Cooper@usdoj.gov>

Mon, Jun 10, 2024 at 10:01 AM

To: Mark Foti <mark@fotilaw.com>

Cc: Eric Soehnlein <eric@soehnleinlaw.com>, Jeffrey Bagley <Jeffrey_Bagley@fd.org>, George Muscato <georgemuscato@yahoo.com>, Paul Dell <pgdell.law@gmail.com>, "montroylaw@verizon.net" <montroylaw@verizon.net>, Dan Henry <DHenry@villariniandhenry.com>, Frank Bogulski <fbogulski@yahoo.com>, "Brian J. Hutchison" <bjhesq@gmail.com>, "stachlaw@aol.com" <stachlaw@aol.com>, David Cotter <dbacotter@aol.com>, "Tripi, Joseph (USANYW)" <Joseph.Tripi@usdoj.gov>, "CHALBECK, CASEY (USANYW)" <CASEY.CHALBECK@usdoj.gov>, John Morrissey <John_Morrissey@fd.org>

Hi Mark,

I printed your proposed version of the protective order and I compared it line-by-line with the government's proposed order.

I would first note that Mr. Dell had previously indicated that he was fine with the government's order as drafted, and Mr. Hutchison and Mr. Muscato appeared to have limited feedback, which led me to believe that ultimately the parties would be able to reach an agreement on consent.

Unfortunately, upon reviewing your proposed edits, I do not believe that to be the case. Your feedback included the removal of 7 of the 17 paragraphs proposed by the government, accounting for the removal of 41% of the government's proposed provisions. Additionally, in the government's view, your version significantly and materially reduced the scope and effectiveness of most of the provisions which you did not strike from the proposed order altogether.

Some of your edits, including Footnote 3 (addressing the use of video-conferencing software) and Footnote 4 (defining identifying information) are acceptable to the government (although we would seek to broaden the definition listed in footnote 4). Given the distance between the parties on the issue of the protective order, I plan to file a motion with Judge McCarthy today.

Respectfully,

Nick

From: Mark Foti <mark@fotilaw.com>

Sent: Tuesday, June 4, 2024 9:43 PM

To: Cooper, Nicholas (USANYW) <NCooper@usa.doj.gov>

Cc: Eric Soehnlein <eric@soehnleinlaw.com>; Jeffrey Bagley <Jeffrey_Bagley@fd.org>; George Muscato <georgemuscato@yahoo.com>; Paul Dell <pgdell.law@gmail.com>; montroylaw@verizon.net; Dan Henry <DHenry@villariniandhenry.com>; Frank Bogulski <fbogulski@yahoo.com>; Brian J. Hutchison <bjhesq@gmail.com>; stachlaw@aol.com; David Cotter <dbacotter@aol.com>; Tripi, Joseph (USANYW) <JTripi@usa.doj.gov>; CHALBECK, CASEY (USANYW) <CCHALBECK@usa.doj.gov>; John Morrissey <John_Morrissey@fd.org>

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